

TO EXTEND THE AUTHORIZATION OF THE HIGHLANDS
CONSERVATION ACT

APRIL 21, 2016.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. BISHOP of Utah, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 894]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 894) to extend the authorization of the Highlands Conservation Act, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 894 is to extend the authorization of the Highlands Conservation Act.

BACKGROUND AND NEED FOR LEGISLATION

The Northeastern Highlands is a geographic region that encompasses over two million acres stretching from western Connecticut across the Lower Hudson River Valley and northern New Jersey into east central Pennsylvania. About 1.4 million people live in the Highlands Region, which is adjacent to one of the most populous metropolitan regions of the nation, and is the source of the region's drinking water.

The purpose of the Highlands Conservation Act (Public Law 108–421) is to promote conservation of natural resources and conservation lands as identified in the U.S. Forest Service's update of the NY–NJ Highlands Regional Study and state open space plans. The bill reauthorizes \$11 million annually for land conservation partnership projects and for technical assistance to private landowners and local communities under this law. The program funds land acquisition by the affected states—not the federal government.

COMMITTEE ACTION

H.R. 894 was introduced on February 11, 2015, by Congressman Rodney P. Frelinghuysen (R-NJ). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. The bill was additionally referred to the Committee on Agriculture. On February 2, 2016, the Natural Resources Committee met to consider the bill. The Subcommittee was discharged by unanimous consent. No amendments were offered, and the bill was ordered favorably reported to the House of Representatives by unanimous consent on February 3, 2016.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of Rule XIII of the rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 18, 2016.

Hon. ROB BISHOP,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 894, a bill to extend the authorization of the Highlands Conservation Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Jeff LaFave.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 894—A bill to extend the authorization of the Highlands Conservation Act

Summary: H.R. 894 would authorize the appropriation of \$11 million a year through 2021 to conserve land and natural resources in four northeastern states. CBO estimates that implementing the legislation would cost \$62 million over the 2016–2021 period and

\$4 million after 2021, assuming appropriation of the authorized amounts.

Because enacting the bill would not affect direct spending or revenues, pay-as-you-go procedures do not apply. CBO estimates that enacting H.R. 894 would not increase net direct spending or budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 894 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs incurred by state, local, or tribal governments, including matching contributions, would result from participation in a voluntary federal program.

Estimated cost to the Federal Government: The estimated budgetary effects of H.R. 894 are shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—						
	2016	2017	2018	2019	2020	2021	2016–2021
CHANGES IN SPENDING SUBJECT TO APPROPRIATION							
Authorization Level	11	11	11	11	11	11	66
Estimated Outlays	8	10	11	11	11	11	62

Basis of estimate: For this estimate, CBO assumes that the legislation will be enacted in 2016 and the authorized amounts will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns for similar activities.

H.R. 894 would reauthorize the Highlands Conservation Act, which allows the federal government to fund activities to conserve land and natural resources in certain parts of Connecticut, New Jersey, New York, and Pennsylvania. The bill would authorize the appropriation of \$10 million a year through 2021 to assist those states in acquiring private lands for conservation purposes and \$1 million a year over that period for the Forest Service to provide technical assistance to the affected states. In 2016, the Congress did not appropriate funds to carry out activities under the Highlands Conservation Act. CBO estimates that implementing H.R. 894 would cost \$62 million over the 2016–2021 period and \$4 million after 2021.

Pay-As-You-Go considerations: None.

Intergovernmental and private-sector impact: H.R. 894 contains no intergovernmental or private-sector mandates as defined in UMRA. Any costs incurred by state, local, or tribal governments, including matching contributions, would result from participation in a voluntary federal program.

Estimate prepared by: Federal Costs: Jeff LaFaye; Impact on State, Local, and Tribal Governments: Jon Sperl; Impact on the Private Sector: Amy Petz.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or

tax expenditures. The Congressional Budget Office estimates that implementation of the bill would cost \$62 million over 2016–2021 and \$4 million after 2021, if funds were appropriated for this purpose.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to extend the authorization of the Highlands Conservation Act.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

HIGHLANDS CONSERVATION ACT

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SEC. 4. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.

(a) SUBMISSION OF PROPOSED PROJECTS.—Each year, the governors of the Highlands States, with input from pertinent units of local government and the public, may—

(1) jointly identify land conservation partnership projects in the Highlands region from land identified as having high conservation values in the Study, the Update, or the Pennsylvania

and Connecticut Update that shall be proposed for Federal financial assistance; and

(2) submit a list of those projects to the Secretary of the Interior.

(b) **CONSIDERATION OF PROJECTS.**—Each year, the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit to Congress a list of the land conservation partnership projects submitted under subsection (a)(2) that are eligible to receive financial assistance under this section.

(c) **ELIGIBILITY CONDITIONS.**—To be eligible for financial assistance under this section for a land conservation partnership project, a non-Federal entity shall enter into an agreement with the Secretary of the Interior that—

(1) identifies the non-Federal entity that shall own or hold and manage the land or interest in land;

(2) identifies the source of funds to provide the non-Federal share under subsection (d);

(3) describes the management objectives for the land that will ensure permanent protection and use of the land for the purpose for which the assistance will be provided;

(4) provides that, if the non-Federal entity converts, uses, or disposes of the land conservation partnership project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States—

(A) may seek specific performance of the conditions of financial assistance in accordance with paragraph (3) in Federal court; and

(B) shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(i) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(ii) the amount by which the financial assistance increased the value of the land or interest in land; and

(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in—

(A) the Important Areas portion of the Study;

(B) the Conservation Focal Areas portion of the Update;

(C) the Conservation Priorities portion of the Update;

(D) land identified as having higher or highest resource value in the Conservation Values Assessment portion of the Update; and

(E) land identified as having high conservation value in the Pennsylvania and Connecticut Update.

(d) **NON-FEDERAL SHARE REQUIREMENT.**—The Federal share of the cost of carrying out a land conservation partnership project under this section shall not exceed 50 percent of the total cost of the land conservation partnership project.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of the Interior \$10,000,000 for each of fiscal years 2005 through [2014] 2021, to remain available until expended.

SEC. 5. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.

(a) **IN GENERAL.**—To meet the land resource goals of, and the scientific and conservation challenges identified in, the Study, Update, and any future study that the Forest Service may undertake in the Highlands region, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Chief of the National Resources Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of land and natural resources in the Highlands region.

(b) **DUTIES.**—The Forest Service shall—

(1) in consultation with the Highlands States, undertake other studies and research in the Highlands region consistent with the purposes of this Act, including a Pennsylvania and Connecticut Update;

(2) communicate the findings of the Study and Update and maintain a public dialogue regarding implementation of the Study and Update; and

(3) assist the Highland States, local units of government, individual landowners, and private organizations in identifying and using Forest Service and other technical and financial assistance programs of the Department of Agriculture.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section \$1,000,000 for each of fiscal years 2005 through **[2014]** 2021.

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COMMITTEE CORRESPONDENCE

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

3 February 2016

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Dear Mr. Chairman:

On February 3, 2015, the Committee on Natural Resources ordered reported without amendment H.R. 894, to extend the Highlands Conservation Act, by unanimous consent. The bill was referred primarily to the Committee on Natural Resources, with an additional referral to the Committee on Agriculture.

I ask that you allow the Committee on Agriculture to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Agriculture represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Natural Resources to memorialize our understanding.

Thank you for your consideration of my request, and for your continued strong cooperation between our committees.

Sincerely,



Rob Bishop
 Chairman
 Committee on Natural Resources

cc: The Honorable Paul D. Ryan, Speaker
 The Honorable Kevin McCarthy, Majority Leader
 The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
 The Honorable Thomas J. Wickham, Jr., Parliamentarian

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February 3, 2016

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The Honorable Rob Bishop
Chairman
Committee on Natural Resources
1324 Longworth HOB
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for the opportunity to review H.R. 894, to extend the Highlands Conservation Act. As you are aware, the bill was primarily referred to the Committee on Natural Resources, while the Agriculture Committee received an additional referral.

I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I agree to discharge H.R. 894 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim on this or similar matters. Further, the Committee on Agriculture reserves the right to seek the appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the *Congressional Record* during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,


K. Michael Conaway
Chairman

cc: The Honorable Paul D. Ryan, Speaker
The Honorable Collin C. Peterson
The Honorable Raul Grijalva
The Honorable Thomas J. Wickham, Parliamentarian